

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF THE ASSOCIATED
MAIL AND PARCEL CENTERS, et.al.

Docket No. C2012-1

POST OFFICE BOX SERVICE
ENHANCEMENTS

Docket No. MC2012-26

**UNITED STATES POSTAL SERVICE NOTICE OF ELECTION
TO FILE IN DOCKET NO. MC2012-26**

(June 22, 2012)

The United States Postal Service ("Postal Service") hereby provides notice that, pursuant to Order No. 1366 of the Postal Regulatory Commission ("Commission"), the Postal Service elects to make a filing in Docket No. MC2012-26. In keeping with the Commission's order, this pleading will be filed no later than July 9, 2012.

In Docket No. C2012-1, the Associated Mail and Parcel Centers, the National Alliance of Retail and Ship Centers, and 11 additional organizations ("Complainants") filed a complaint concerning the Postal Service's introduction of service enhancements to some of its Competitive P.O. Box Service locations.¹ On April 4, 2012 the Postal Service filed a motion to dismiss the complaint.² In Order No. 1366, the Commission granted the Postal Service's motion as to the

¹ PRC Docket No. C2012-1, Complaint Regarding Postal Service Offering Enhanced Services Product for Competitive PO Boxes (March 15, 2012).

² PRC Docket No. C2012-1, Motion of the United States Postal Service to Dismiss Complaint (April 4, 2012).

Complainants' claim under 39 U.S.C. § 3661, but denied the Postal Service's motion as to the claims under 39 U.S.C. §§ 3633 and 3642.³ In order to resolve the remaining claims, the Commission gave the Postal Service the option of making a filing under 39 C.F.R. § 3020.30 concerning its enhanced Competitive P.O. Box Service.⁴ The Commission stated that the elective filing would provide the parties "a more efficient, less costly means to address the issues in dispute."⁵ The Commission established Docket No. MC2012-26 as a placeholder for the Postal Service's elective filing, and set July 9, 2012 as the deadline for its submission.⁶

In establishing the guidelines for the Postal Service's elective filing, the Commission stated that the filing should be made in accordance with the rules contained in 39 C.F.R. § 3020.30.⁷ More specifically, the Commission instructed the Postal Service to "provide any justification it deem[ed] appropriate,"⁸ but to ensure that the filing provided the Commission with "such information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed modification" [quoting 39 C.F.R. § 3020.32(i)].⁹ The Commission

³ PRC Docket No. C2012-1, Order on Motion to Dismiss Holding Complaint in Abeyance Pending Further Proceeding ("Order No. 1366"), at 15 (June 13, 2012).

⁴ *Id.* at 14. The Commission also gave the Postal Service the option of filing an answer to the Complaint by today, June 22, 2012.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 15.

⁹ *Id.* at 14.

further stressed that it had “not made a determination whether one or more of the service enhancements is a new product.”¹⁰

In keeping with the Commission’s instructions, and to assist the Commission in determining whether the enhancements constitute a new product, the Postal Service’s filing will conform to the requirements of 3020.32(i).

However, since the Competitive P.O. Box Service enhancements were never intended to create a new product, and since they do not purport to move or remove a product from the Market-Dominant or Competitive product lists, many of the specific rules contained in 39 C.F.R. § 3020.30 *et seq.* are inapplicable.¹¹

For this reason, the Postal Service assumes that the Commission chose the rules under 39 C.F.R. § 3020.30 *et seq.* as a convenient mechanism for collecting additional information in this case, not because it believes that product enhancements always require a filing under 39 U.S.C. § 3642.

Accordingly, the Postal Service will use the rules as a framework to provide the Commission with additional information, rather than responding to each and every factor listed. For example, the Postal Service will not provide proposed changes to the Mail Classification Schedule (3020.31(f)), since no additional MCS changes are needed.¹² Additionally, the Postal Service will not

¹⁰ *Id.*

¹¹ The rules contained in 39 C.F.R. § 3020.30 *et seq.* govern filings made by the Postal Service that propose “a modification to the market dominant product list or the competitive product list appearing in the Mail Classification Schedule.” 39 C.F.R. § 3020.30. The rules further state that a “modification shall be defined as adding a product to a list, removing a product from a list, or moving a product from one list to the other list.” 39 C.F.R. § 3020.30.

¹² As will be further discussed in its filing, an MCS change for the option to receive packages from private carriers was already accomplished in Docket No. CP2012-2. See PRC Docket No. CP2012-2, Notice of The United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors’ Decision No. 11-8, Attachment to Governors’ Decision No. 11-8, at 142 (November 22, 2011). The remaining enhancements do

provide a Governors Decision (3020.31(b)), since no new Governors' action is warranted under these circumstances. Despite these limitations, the Postal Service will work to provide the Commission with enough information to complete its review of the Competitive P.O. Box Service enhancements.

The Postal Service commends the Commission for pursuing this creative and efficient approach to resolving the issues raised by the Complainants, and looks forward to the timely resolution of these matters.

Respectfully submitted,

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not require any MCS changes, because they do not have individual prices and do not change the definition of P.O. Box Service.